RECORD & RETURN TO: EAST END TITLE & ESCROW, INC.
405 TWO MILE PIKE, SUITE C
GOODLETTSVILLE, TN 37072

BOOK 9787 PG 863

Map & Parcel No.: 117-13-A Par 138

Prepared By &
Send Tax Notice To: Ronald B. Buchanan
103 Hazel Path Court
Hendersonville TN 37075

MAIL ENV.

95 SEP -7 AM 11:01
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

00097775
IDENTIF. ↑ REFERENCE

AFFIDAVIT OF INHERITANCE
(REAL ESTATE)

STATE OF TENNESSEE
COUNTY OF SUMNER

The undersigned, RONALD B. BUCHANAN, Trustee of the Duling Family Trust, being duly sworn, deposes and says:

ALBERT DULING, JR. was the owner of the following described real estate:

A certain condominium apartment in Davidson County, Tennessee, being Unit No. 5-B, Pointset Condominiums, a Horizontal Property Regime, as shown on Exhibit "B" to Master Deed of Lots 5 and 6, Pointset Condominium, of record in Book 5158, Page 261, Register's Office for said County, and being located on Lot No. 5 on the Plan of Pointset as of record in Book 5050, Page 65, said Register's Office, to which reference is here made, together with appurtenant interest belonging thereto as set out in Master Deed of record in Book 5158, Page 244, Register's Office.

BEING the same property conveyed to Albert Duling, Jr. by deed of record in Book 5249, Page 807, Register's Office for Davidson County, Tennessee.

The undersigned received the following described interest in the decedent's real estate described above by the provisions of the Will of Albert Duling, Jr., a copy of which is attached hereto. Said Will was filed for probate in Lee County, Florida, Case No. 90-2254-CP. The Will created a trust fund for certain assets, the above-described real estate being included and named Ronald B. Buchanan and Albert Duling, III, as Co-Trustees. Albert Duling, III, has declined to serve.

There are no debts or encumbrances remaining which are or might become a lien on said interest in the described real estate, except for the Deed of Trust of record in Book 5249, Page 809, Register's Office for Davidson County, Tennessee.

Ronald B. Buchanan Trustee
RONALD B. BUCHANAN, Trustee

BEFORE ME, a Notary Public, duly appointed, commissioned and qualified in and for the State and County aforesaid, personally appeared RONALD B. BUCHANAN, the within named bargainor, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence to be the person described in the foregoing, who signed, sealed and delivered the foregoing instrument in my presence, and who, upon oath, acknowledged that he executed the foregoing instrument for the purposes therein contained as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in said County, on this the 1 day of September, 1995.

Karen Wilcox
NOTARY PUBLIC

My Comm. Expires: 7/28/96

Last Will and Testament

OF

ALBERT DULING, JR.

I, ALBERT DULING, JR., a resident of Davidson County, Tennessee, being of sound mind and disposing memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking any prior Wills or Codicils thereto made by me.

ARTICLE I

I direct that all my just debts, except those secured by mortgage or other security agreement, to be paid out of my general estate by my Executrix, hereinafter named, as soon as practicable after my death, including my funeral expenses, expenses of the administration of my estate, and any estate, inheritance or like taxes that may be imposed by reason of my death.

ARTICLE II

I direct that all my debts secured by mortgage or other security agreement shall be paid or retained in the discretion of my Executrix, hereinafter named, and if so retained, the debts shall pass with the property and the said devisee or legatee shall take subject to said debt.

ARTICLE III

(a) I give to my wife, MARY ELLEN BENSON DULING, if she survives me by more than thirty (30) days, all of my tangible

personal effects, including automobiles, clothing, jewelry, and other articles of personal use or ornament.

(b) If my wife does not survive me by more than thirty (30) days, then I direct that the property above devised be given to my children, to be divided among them as they may agree. In making such division, if there shall be any disagreement among my children, I direct that my Executor shall determine and put into effect the method of settling any such disagreement, and that the result of the method so determined shall be conclusive. The issue of any then deceased child shall represent his or her parent, per stirpes.

ARTICLE IV

I give, devise and bequeath to my Co-Trustees, and their successors, all the rest, remainder and residue of my property, real and personal, tangible and intangible, of whatsoever nature and wheresoever situated, who shall pay the net income from the trust fund estate monthly or quarterly to or for my said wife, during her lifetime, and they may pay to or apply for her benefit, such amounts of corpus as they deem advisable for her maintenance, medical care and general welfare. This power to encroach upon corpus shall continue during her lifetime.

After the death of my wife, this trust fund, including all accumulated principal and earned income, shall continue and be held for the benefit of my three children, ALBERT DULING, III, WILLIAM BENSON DULING and MARY ELLEN DULING GOODNER, or their issue, per stirpes, if any child should die before the trust

terminates. If any of the above named children die without issue, his share shall be distributed among the others, or to their issue, per stirpes. During the term of this trust, the Co-Trustees shall pay to each beneficiary, for his benefit, or to his issue if the beneficiary should die before the trust terminates, one-third (1/3) of all the net income derived from the trust estate, either monthly or quarterly. The Co-Trustees shall also pay to each Beneficiary such amounts of the corpus as they deem advisable, in their sole discretion, for each Beneficiary's maintenance, medical needs and general welfare. Said Co-Trustees shall have the exclusive right to sell, transfer, mortgage or assign said trust assets, including real property, if they deem such action to be in the best interest of the beneficiaries. The trust shall terminate upon the death of my last surviving child, at which time said Co-Trustees shall pay one-third (1/3) of the trust estate, including corpus and accumulated income, to each beneficiary's child(ren), per stirpes, and the trust shall terminate. Upon termination, all responsibilities of the Co-Trustees shall cease and the Co-Trustees shall be relieved from any further obligations.

To the extent that such requirements can legally be waived, no Trustee shall ever be required to give bond as Trustee, to qualify before, be appointed by, or in the absence of a breach of the trust, account to any Court or to obtain the order or approval of any Court in the exercise of any power or discretion granted herein but shall account only to the beneficiary.

Further, no person paying money or delivering property to any Trustee need see its application. Any Trustee shall be entitled to a reasonable compensation, if requested, for services in administering and distributing the trust property and to reimbursement for expenses.

ARTICLE V

If the trust, or any part thereof, created in my Will, shall violate any applicable rule against perpetuities, accumulations or similar rule or law, the Co-Trustees are directed to terminate the trust or such unlawful part thereof on the last date allowed by such rule or law, and thereupon the property held in trust violating such rule or law shall be distributed to the then income beneficiaries, notwithstanding any provisions of the trust to the contrary.

ARTICLE VI

I hereby nominate and appoint my wife, MARY ELLEN BENSON DULING, as Executrix of my Last Will and Testament and relieve her of making bond. In the event she cannot serve or is unwilling to serve, I hereby nominate and appoint my son, ALBERT DULING, III as Alternate Executor, to also serve without bond. I further nominate and appoint RONALD B. BUCHANAN and ALBERT DULING, III as Co-Trustees of any trust created by this Will and relieve them of making bond.

ARTICLE VII

My Executor and Co-Trustees (hereinafter referred to as "Fiduciary") shall have the following powers, duties and discretions in addition to those now or hereafter conferred by law:

A. I incorporate by reference all of the fiduciary powers contained in Section 35-618, Tennessee Code Annotated, as fully as if set out verbatim herein.

B. Whenever my Fiduciary is required to divide the estate or trust property into separate shares, or to make distribution thereof, they are authorized in their sole discretion to make division or distribution wholly or partly in cash or kind, or assign undivided interests in any property or shares, and to make joint investment of funds belonging to the estate. The judgment of my Fiduciary as to the values for such purposes shall be binding and conclusive on everyone.

C. When required to make a distribution or transfer of all or part of the assets of my estate, my Executrix may retain therefrom assets sufficient in her judgment to cover any liability which may then or later be imposed upon her, including, but not limited to, her liability for estate, income or other taxes, until such liability shall have been finally determined.

D. Whenever my Executrix shall have the right to elect (a) whether any item of expense connected with the administration of my estate shall be claimed as a deduction for federal income tax purposes, or whether the same shall be claimed instead as a deduction for federal estate tax purposes, or (b) the value of my gross estate as of the date that causes larger death taxes to be

payable than would have been payable if my Executrix had elected another date, I hereby authorize my Executrix to exercise any such right of election in any such manner as she may in her absolute discretion determine to be advisable, even though the manner in which any such election is exercised may result in an advantage or disadvantage to any beneficiary or beneficiaries hereunder. I further direct that no compensating adjustments between income and principal shall be required or made as a result of any such action.

E. Any successor Fiduciary shall be clothed and vested with all duties, rights, and powers, whether discretionary or otherwise, as if originally named as such Fiduciary. No successor Fiduciary shall be liable or responsible in any way for any acts or defaults of any predecessor Fiduciary, nor for any loss or expense from or occasioned by anything done or elected to be done by any predecessor Fiduciary, but such successor Fiduciary shall be liable for his, her or its own acts or default in respect to property actually received by such successor Fiduciary. The successor Fiduciary may accept the accounts rendered and the assets and property delivered to such successor Fiduciary by the predecessor Fiduciary as a full and complete discharge to the predecessor Fiduciary, and shall incur no liability by reason of so doing.

F. My Fiduciary shall be charged with the duty of good faith and reasonable care in the management of the estate or trust, but shall not be responsible for losses, if any, resulting from honest mistakes of judgment.

G. My Co-Trustees in exercising their discretion as to whether to make distributions of income or principal of any trust to or for the benefit of any beneficiary, may take into consideration the standard of living to which such beneficiary is then accustomed, and all other income and resources available to such beneficiary, together with any other factors which my Co-Trustees may deem pertinent.

H. If my Fiduciary determined that any income or principal shall be paid to a minor, or to a person under a legal disability, or to a person not adjudicated incompetent, but who, by reason of illness or mental or physical disability is, in the opinion of my Fiduciary, unable properly to administer such funds, then such funds may be paid out by my Fiduciary in any of the following ways as it deems best: (1) directly to such beneficiary; (2) to the legally appointed guardian or conservator of such beneficiary; (3) by my Fiduciary using such amounts directly for the benefit of such beneficiary; (4) to some relative or friend for the care, support, education and welfare of such beneficiary. The receipt of any such person shall discharge my Fiduciary from any further responsibility with respect to any such funds. No recipient shall be required to furnish bond with respect to any such funds, nor make report as to the disposition of the same.

I. My Executrix may begin making payment to the beneficiaries of my estate after beginning the administration of my estate and without waiting for the formal establishments of the trusts created herein. My Executrix shall be given credit on her settlement for all disbursements made to the beneficiaries under the provisions of this power.

J. Any power granted to my Fiduciary shall be void to the extent that its exercise shall cause my estate to lose all or any part of the tax benefit afforded by the marital deduction under federal or state laws.

K. My Fiduciary is authorized to take the following actions in their sole and absolute discretion: (1) to consent, as a shareholder, to any election by any corporation pursuant to the provisions of any federal or state tax statutes or regulations; to join with my wife in the filing of any joint federal or state income tax returns for any period or periods for which I have not filed such return or returns prior to my death and to pay such ratable share or all of any taxes due thereon, or due upon any joint income tax return filed with respect to any period prior to my death, as they shall deem proper; (2) to exercise such elections or options as may be available, as they may deem proper, in the preparation and submission of any federal or other estate or inheritance tax returns, or of any income tax returns for myself, my estate or any trusts hereunder; (3) to consent that any gifts made by my wife shall be considered as made one-half (1/2) by me for federal or other gift purposes; and (4) to impose such terms or conditions for the exercise of such consents, elections or options as they deem fit, and to determine in their sole discretion whether any person or persons shall be charged or otherwise compelled to account to any other person for any difference in estate or income or gift taxes resulting from the exercise of such authorities and powers.

L. The Co-Trustees shall render to the income beneficiaries of all trusts created hereunder statements of account of receipts and disbursements at least annually. Statements to minor beneficiaries shall be sent to the legal guardian, if any; otherwise, to the parent or any other person with whom the beneficiary may be residing.

M. The Co-Trustees shall have the power to purchase with the assets of the Family Trust life insurance on the life or lives of any beneficiary of this trust, or on the life or lives of anyone the beneficiaries would have an insurable interest in; provided, however, that the proceeds of such policies are made payable to the Co-Trustees to be used in the manner provided for in this Will.

N. If at any time the Co-Trustees determine that the principal of any trust created, or to be created hereunder, is of an insufficient amount to justify establishment or continuance of said trust, or if there arise any unforeseen changes affecting property rights, taxation or political or economic conditions, or if for any other good reasons, which in the opinion of the Co-Trustees make it advisable and to the best interest of the beneficiaries that the trust not be established or continued, the Co-Trustees are authorized and empowered not to establish or continue the trust, and to distribute the funds which would be used to establish the trust, or distribute the principal and accumulated income of the trust, to the beneficiaries thereof. No beneficiary shall have the right to question the Co-Trustees' decision as to distribution, and no personal liability shall be

imposed upon the Co-Trustees for the decisions; provided, however, any beneficiary who is also a Co-Trustee shall not participate in any decision as to distribution to him as beneficiary.

O. The Co-Trustees shall pay out of principal or income as they may elect, or partially out of each in such shares as they may determine, taxes, assessments, charges, attorneys' fees, the Co-Trustees' compensation, and other expenses incurred in the administration or protection of the trust. The discretion of the Co-Trustees to pay these items from income or principal, or partially from each, may be exercised not only in the interest of the trust but for the benefit of any beneficiary.

P. I leave to the discretion of the Fiduciary hereunder the retention, continuance, sale, liquidation or other disposition of any business or business interests, corporate or otherwise. The Fiduciary is specifically empowered to take all steps which it may deem necessary or advisable in connection with any such business or business interests and is to be exempt from any liability for any loss whatsoever for its acts or decisions in good faith relative thereto. The Fiduciary is authorized to loan or borrow money to or for such business or business interests or to or for any corporation representing the same and to vote the shares of stock in any such corporation in such manner as the Fiduciary may deem advisable, including the power to select or vote for the appointment or election of persons as managers, officers or employees of the Fiduciary.

ARTICLE VIII

A. Any Trustee may voluntarily resign by giving thirty (30) days written notice to all of my adult children. By majority consent, my adult children shall be empowered to request and obtain the resignation of any Trustee. This power of removal shall be exercised by the delivery of a written request of resignation, duly signed and acknowledged by my adult children, accompanied by the written acceptance of the successor Trustee. Unless otherwise excused by the successor Trustee, the resigning Trustee shall, at the expense of the trust, make an accounting of the trust and deliver all assets and muniments of title thereof to the successor Trustee.

B. If it becomes necessary to appoint a successor Trustee after the resignation or removal of the originally named Trustee, all of my adult children shall appoint a corporate fiduciary which shall be a Trust Company or Bank having trust powers and authorized to do business in the state of my domicile at my death.

ARTICLE IX

Although my wife and I are executing our wills at or about the same time, I desire to make it clear that there has been no contract between my wife and me to make a mutual testamentary disposition of our property. It is my intention that, in the event my wife survives me, she shall have full power and authority to execute a later will or wills, making such disposition of her estate as she may desire in her sole discretion, including any or

all of the property passing to her under the provisions of this will.

ARTICLE X

In the event circumstances should occur such that a trust is established for any of my children and/or grandchildren by my will and a similar trust is established by the will of my wife, MARY ELLEN BENSON DULING, it is my intention that both funds shall be combined and administered as one trust.

ARTICLE XI

Neither the principal nor income of this trust shall be pledged, assigned, transferred, sold, or in any manner whatsoever, accelerated, anticipated, or encumbered by any beneficiary, nor shall any income or principal of said trust estate be in any manner subject or liable in the hands of the Trustee for the debts, contracts or engagements of any beneficiary, or to be subject to any assignment, or other voluntary or involuntary alienation or disposition whatsoever. All distributions of income or principal shall be paid only upon receipt to the beneficiary entitled, or, if a minor, to others for his use and benefit.

ARTICLE XII

My Co-Trustees may in their sole and absolute discretion terminate any trust created hereunder when in their opinion the principal amount thereof does not warrant the cost of continuing said trust, or its administration would be otherwise impractical.

Upon such termination, my Trustee shall pay over the then remaining balance in such trust to or for the benefit of the beneficiary.

ARTICLE XIII

My Executrix and my Co-Trustees may make payments and distribute property under the provisions of this Will on behalf of any minor or incompetent beneficiary to any person having the care, custody, or control of said beneficiary, or to any other person my fiduciaries may deem proper, or directly to said beneficiary, without the necessity of the intervention of a legally appointed guardian, and without any duty on the part of my fiduciaries to supervise or inquire into the application thereof.

IN WITNESS WHEREOF, I, ALBERT DULING, JR., have to this, my Last Will and Testament, set my hand this the 26th day of October, 1987.

Albert Duling Jr.
ALBERT DULING, JR.

The foregoing instrument consisting of fourteen (14) pages, was signed, published and declared by the Testator, ALBERT DULING, JR., to be his Last Will and Testament in the presence of all of us at one and the same time and we at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testator and to the performance of the aforesaid act of execution on this the 26th day of April, 1984.

13E4 09/07 0101 03CHECK 60.00

WITNESS:

Curtis Rucker, Jr.
Name

2705 Abbott Martin Rd.
Address

Nashville, Tennessee 37215
City/State

WITNESS:

Lowlace J. Rucker
Name

2705 Abbott Martin Rd
Address

Nashville, Tn. 37215
City/State